

CASSIUS M. CLAY.

[To accompany Bill H. R. No. 240.]

MARCH 2, 1860.

Mr. HOARD, from the Committee on Claims, made the following

REPORT.

The Committee on Claims, to whom was referred the adverse report from the Court of Claims, No. 21, "in the case of Cassius M. Clay," have had the same under consideration, and beg leave to report:

The petitioner was a captain in the Kentucky regiment of cavalry, under the command of Colonel Marshall, in the war with Mexico.

The first claim is for the reimbursement of the amount of a judgment recovered against him in the courts of Kentucky by one Eliza Bowles for trespass upon her property, committed in the execution of an order of his superior officer for the arrest of deserters. This amounted, in October, 1848, with costs and interest, to \$533 20, when it was paid by the petitioner. The second claim is for property destroyed in Mexico in 1846. In this case it appears that he was ordered by Colonel Marshall to disperse a band of robbers who were threatening the train from Camargo to Monterey. The execution of this order compelled him to leave behind him property which was lost for want of personal attention, and before he had accomplished his orders he was taken prisoner, thus losing what property he had with him.

This case was brought before Congress as early as 1848. At that time the Committee on Claims of the House of Representatives reported (see Rep. 365) with a bill for his relief, on account of property destroyed in Mexico, to the amount of \$760. In 1849 the same committee reported again in his favor. In 1855 the Committee on Claims reported in favor of the first claim set forth in this report, but adversely on the second claim.

The adverse report of the Court of Claims is based upon a want of authority to grant relief in such cases, saying that "the power to relieve in such cases belongs, we think, exclusively to Congress." At the first session of the thirty-fifth Congress (see Congressional Globe, vol. 36, part 2, pp. 1628, 1630, and 1635) the report of the Court of Claims in this case, with a bill for the relief of the petitioner, was brought before the House, and after considerable discussion, in which Colonel Marshall made statements before the House in regard to the claim, the bill was passed by ayes and nays, 97 to 63.

Your committee therefore conclude that the claim is a just one to the amount of \$760, for property destroyed in Mexico, and \$839 79 to reimburse him for the judgment recovered against him with costs and interest, and they report a bill accordingly, and recommend its passage.

In making this recommendation your committee rest their action upon the hazardous and extraordinary duty Captain Clay was called upon to discharge, and the fact that the loss of his property resulted from his prompt and fearless discharge of this duty.